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MICROSOFT CORPORATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

SOFTWAREAU.COM, a business
entity of unknown form; and DOES 1-
5,

Defendants.

Case No. 15-cv-8019 AB-JEM

**PERMANENT INJUNCTION
AGAINST DEFENDANT**

The Honorable André Birotte, Jr.

*[Filed concurrently with Notice of
Motion; [Proposed] Judgment;
And Declarations of Sue Ventura,
Michael Fuller and Randy Bradley]*

~~GOOD CAUSE HAVING BEEN~~ SHOWN, IT IS HEREBY ORDERED

that Defendant Softwareau.com and its agents, servants, employees, representatives,
successors and assigns, and all those acting in concert or participation with it shall
be, and hereby are, PERMANENTLY ENJOINED and restrained from:

1 (a) imitating, copying, or making any other infringing use or
 2 infringing distribution, by download delivery or otherwise, of software programs,
 3 components, Certificates of Authenticity, end user license agreements (“EULA”) or
 4 items protected by Microsoft’s registered trademarks and service mark, including,
 5 but not limited to, the following Trademark Registration Nos.:

- 6 (1) 1,200,236 (“MICROSOFT”);
- 7 (2) 1,256,083 (“MICROSOFT”);
- 8 (3) 3,625,391 (“MICROSOFT OFFICE”);
- 9 (4) 4,459,826 (OFFICE 2012 DESIGN);
- 10 (5) 3,238,869 (“ACCESS”);
- 11 (6) 4,365,955 (ACCESS LAUNCH ICON);
- 12 (7) 2,942,050 (“EXCEL”);
- 13 (8) 4,355,451 (EXCEL LAUNCH ICON);
- 14 (9) 2,844,710 (“ONENOTE”);
- 15 (10) 4,351,584 (ONENOTE LAUNCH ICON);
- 16 (11) 2,188,125 (“OUTLOOK”);
- 17 (12) 4,355,446 (OUTLOOK LAUNCH ICON);
- 18 (13) 1,475,795 (“POWERPOINT”);
- 19 (14) 4,385,388 (POWERPOINT LAUNCH ICON);
- 20 (15) 4,355,448 (PUBLISHER LAUNCH ICON); and
- 21 (26) 4,355,444 (WORD LAUNCH ICON);

22 (b) imitating, copying, or making any other infringing use or
 23 infringing distribution of the software programs, components, EULAs, items or
 24 things protected by the following Certificates of Copyright Registration:

- 25 (1) TX 7-649-882 (“Office 2013”);
- 26 (2) TX 7-674-730 (“Word 2013”);
- 27 (3) TX 7-751-917 (“Excel 2013”);
- 28 (4) TX 7-751-911 (“PowerPoint 2013”);

1 (5) TX 7-751-910 (“OneNote 2013”);

2 (6) TX 7-700-066 (“Outlook 2013”);

3 (7) TX 7-674-731 (“Publisher 2013”);

4 (8) TX 7-751-913 (“Access 2013”); and

5 (9) TX 7-206-468 (“InfoPath 2010”);

6 (c) imitating, copying, or making any other infringing use or
7 infringing distribution of any other works now or hereafter protected by any of
8 Microsoft’s trademarks or copyrights;

9 (d) manufacturing, assembling, producing, distributing, offering for
10 distribution, circulating, selling, offering for sale, advertising, importing,
11 promoting, or displaying any software program, component, Certificate of
12 Authenticity, EULA, item or thing bearing any simulation, reproduction,
13 counterfeit, copy, or colorable imitation of any of Microsoft’s registered trademarks
14 or service mark, including, but not limited to, the Trademark and Service Mark
15 Registration Nos. listed in Paragraph (a) above;

16 (e) using any simulation, reproduction, counterfeit, copy, or
17 colorable imitation of Microsoft’s registered trademarks or service mark including,
18 but not limited to, the Trademark and Service Mark Registration Nos. listed in
19 Paragraph (a) above, in connection with the manufacture, distribution, offering for
20 distribution, sale, offering for sale, advertisement, promotion, or display of any
21 software, component, Certificate of Authenticity, EULA, item or thing not
22 authorized or licensed by Microsoft;


23 (f) using any false designation of origin or false description which
24 can or is likely to lead the trade or public or individuals erroneously to believe that
25 any software, component, Certificate of Authenticity, EULA, item, or thing has
26 been manufactured, produced, distributed, offered for distribution, advertised,
27 promoted, displayed, licensed, sponsored, approved, or authorized by or for
28 Microsoft, when such is in fact not true;

1 (g) engaging in any other activity constituting an unauthorized
2 and/or illegal distribution of any Microsoft software, component, Certificate of
3 Authenticity, EULA, item, or thing and/or constituting an infringement of any of
4 Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in,
5 or right to use or to exploit these trademarks, service mark, and/or copyrights; and

6 (h) assisting, aiding, or abetting any other person or business entity
7 in engaging in or performing any of the activities referred to in paragraphs (a)
8 through (g) above by acts including, but not limited to, distributing Microsoft
9 product keys decoupled from the software that they were intended to activate,
10 and/or distributing links to websites from which unauthorized copies of Microsoft
11 software can be copied.

12 IT IS SO ORDERED.

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14 DATED: June 22, 2016

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17 HONORABLE ANDRÉ BIROTTE JR.
18 United States District Judge
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